

EXHIBIT G

REDACTED

1
2 H I G H L Y C O N F I D E N T I A L
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

-----x

5 UNITED STATES, et al.,

6 Plaintiffs,

7 vs.

Case No.

1:23-cv-000108

8 GOOGLE LLC,

9 Defendant.

-----x

10
11
12 HIGHLY CONFIDENTIAL
13 REMOTE/ORAL/WEB VIDEOCONFERENCE
14 VIDEOTAPED DEPOSITION OF JAMES GLOGOVSKY
15 Friday, August 25, 2023
16 9:11 a.m.
17
18
19
20
21
22

23 Reported by:

Jennifer Ocampo-Guzman, CRR, CLR

24
25 Job No. CS6072653

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 August 25, 2023</p> <p>9 9:11 a.m.</p> <p>10</p> <p>11</p> <p>12 HIGHLY CONFIDENTIAL</p> <p>13 Remote/Oral/Web Videoconference</p> <p>14 Videotaped Deposition of JAMES</p> <p>15 GLOGOVSKY, held via Zoom Web</p> <p>16 Videoconference, pursuant to subpoena,</p> <p>17 before Jennifer Ocampo-Guzman, a</p> <p>18 Certified Realtime Shorthand Reporter</p> <p>19 and Notary Public of the State of New</p> <p>20 Jersey.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1</p> <p>2 APPEARANCES (Continued):</p> <p>3</p> <p>4 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP</p> <p>5 Attorneys for Defendant Google LLC</p> <p>6 1285 Avenue of the Americas</p> <p>7 New York, New York 10019</p> <p>8 BY: ERIN J. MORGAN, ESQ.</p> <p>9 ELIZABETH NORFORD, ESQ.</p> <p>10</p> <p>11</p> <p>12 THE NEW YORK TIMES</p> <p>13 Attorney for The New York Times and the</p> <p>14 Deponent</p> <p>15 620 Eighth Avenue</p> <p>16 New York, New York 10018</p> <p>17 BY: DEMETRI BLAISDELL, ESQ.</p> <p>18</p> <p>19</p> <p>20 ALSO PRESENT:</p> <p>21 MARC FRIEDMAN, Videographer</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>5 Attorneys for Plaintiff United States</p> <p>6 325 7th Street, Suite 300</p> <p>7 Washington, DC 20004</p> <p>8 BY: JEFFREY VERNON, ESQ.</p> <p>9 DIANA HENRY, ESQ.</p> <p>10 RACHEL HANSEN, ESQ.</p> <p>11 LEVI MARKS, ESQ.</p> <p>12</p> <p>13 NEW YORK STATE OFFICE OF THE ATTORNEY</p> <p>14 GENERAL</p> <p>15 Attorney for Plaintiff State of New York</p> <p>16 28 Liberty Street</p> <p>17 New York, New York 10005</p> <p>18 BY: MORGAN FEDER, ESQ.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 THE VIDEOGRAPHER: Good morning.</p> <p>3 We are going on the record at 9:11 a.m.</p> <p>4 on Friday, August 25, 2023. Please note</p> <p>5 this deposition is being conducted</p> <p>6 virtually. Quality of recording depends</p> <p>7 on the quality of the camera and</p> <p>8 internet connection of all participants.</p> <p>9 What is heard from the witness and seen</p> <p>10 on screen is what will be recorded.</p> <p>11 Audio and video recording will continue</p> <p>12 to take place unless all parties agree</p> <p>13 to go off the record. This is media</p> <p>14 unit number 1 of the video-recorded</p> <p>15 deposition of James Glogovsky in the</p> <p>16 matter of United States, et al., versus</p> <p>17 Google LLC. This case is filed in the</p> <p>18 United States District Court, Eastern</p> <p>19 District of Virginia, Alexandria</p> <p>20 division, case number 1:23-CV-00108.</p> <p>21 My name is Marc Friedman. I'm the</p> <p>22 certified video legal specialist and</p> <p>23 your court reporter today is Jennifer</p> <p>24 Guzman and we are both from the firm of</p> <p>25 Veritext Legal Solutions. I'm not</p>

<p style="text-align: right;">Page 10</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 A. I studied at Southern Illinois</p> <p>3 University in Carbondale, Illinois.</p> <p>4 Q. What did you study?</p> <p>5 A. Finance.</p> <p>6 Q. And what did you do after college?</p> <p>7 A. I began working at the Weather</p> <p>8 Channel, in media.</p> <p>9 Q. And I'm sorry. I didn't hear --</p> <p>10 oh, in media, okay.</p> <p>11 How long were at the Weather</p> <p>12 Channel?</p> <p>13 A. A little over five years.</p> <p>14 Q. And then where did you go after</p> <p>15 that?</p> <p>16 A. I went to a startup.</p> <p>17 Q. What kind of start up?</p> <p>18 A. It was an agency startup, for</p> <p>19 media.</p> <p>20 Q. Like an ad agency?</p> <p>21 A. Yes.</p> <p>22 Q. What was that agency called?</p> <p>23 A. Anthro Agency.</p> <p>24 Q. And what did you do there?</p> <p>25 A. I was director of strategy and</p>	<p style="text-align: right;">Page 12</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 record to work on the audio.</p> <p>3 THE VIDEOGRAPHER: Standby, the</p> <p>4 time is 9:21 a.m. We're going off the</p> <p>5 record.</p> <p>6 (A brief recess was taken.)</p> <p>7 THE VIDEOGRAPHER: The time is</p> <p>8 9:26 a.m. and we are back on the record.</p> <p>9 Q. Okay. After another audio break, I</p> <p>10 think we're ready to continue. Right before</p> <p>11 the break, you were saying, I think that at</p> <p>12 your previous job, at an ad agency, you</p> <p>13 directed strategy related to ad buying in</p> <p>14 social media and display media; is that</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What type of, can you give</p> <p>18 me just like a couple of examples of the</p> <p>19 platforms you were buying on?</p> <p>20 A. We were primarily buying on DB,</p> <p>21 Google's buying platform.</p> <p>22 Q. Okay. When did you come to The New</p> <p>23 York Times?</p> <p>24 A. I joined The New York Times in</p> <p>25 2017, I believe in August.</p>
<p style="text-align: right;">Page 11</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 operations.</p> <p>3 Q. What kind of strategy were you</p> <p>4 directing?</p> <p>5 MR. BLAISDELL: Object to the form</p> <p>6 of the question.</p> <p>7 A. Largely media strategy work.</p> <p>8 Q. When you say media, what are you</p> <p>9 referring to?</p> <p>10 A. Display and social media, across a</p> <p>11 handful of platforms.</p> <p>12 Q. What kind of platforms?</p> <p>13 A. Ad buying platforms.</p> <p>14 (Discussion off the record.)</p> <p>15 MS. MORGAN: Maybe you could just</p> <p>16 try to speak up. Okay.</p> <p>17 Q. What ad buying platforms?</p> <p>18 A. There were a number of them.</p> <p>19 Mostly, the predominant ones in social and</p> <p>20 display media --</p> <p>21 (Discussion off the</p> <p>22 record.)</p> <p>23 MS. MORGAN: Can we go off the</p> <p>24 record again and try to troubleshoot</p> <p>25 this. I don't want to use time on the</p>	<p style="text-align: right;">Page 13</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 Q. Was there anything between the ad</p> <p>3 agency and New York Times?</p> <p>4 A. I worked at Vice Media.</p> <p>5 Q. What did you do at Vice?</p> <p>6 A. I was director of revenue</p> <p>7 operations.</p> <p>8 Q. And what did that entail?</p> <p>9 A. It included the responsibilities of</p> <p>10 managing our monetization efforts around</p> <p>11 programmatic, also the pricing and inventory</p> <p>12 responsibilities for our direct business and</p> <p>13 then also managing a lot of our data</p> <p>14 operations to ensure that we had accurate</p> <p>15 forecasting.</p> <p>16 Q. It's a lot of things.</p> <p>17 Okay. So you came to The New York</p> <p>18 Times in 2017. What was your role when you</p> <p>19 came to the Times?</p> <p>20 A. I started at The New York Times as</p> <p>21 director of yield.</p> <p>22 Q. What did that role entail?</p> <p>23 A. Primary responsibilities was the</p> <p>24 pricing and inventory for our direct</p> <p>25 business.</p>

<p style="text-align: right;">Page 14</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 Q. How has your role changed over</p> <p>3 time, just briefly?</p> <p>4 A. My role has evolved and changed</p> <p>5 periodically. I went from director of yield</p> <p>6 to now vice president of revenue operations</p> <p>7 and analytics, which has a broader remit.</p> <p>8 Q. What is that broader remit, what's</p> <p>9 your -- what do you do now?</p> <p>10 A. I still oversee digital direct</p> <p>11 pricing and inventory, with the additions of</p> <p>12 our print business, also custom pricing,</p> <p>13 sales planning or media planning, ad</p> <p>14 operations and solutions and programmatic.</p> <p>15 Q. I think you said this, but you do</p> <p>16 that across digital and print?</p> <p>17 A. That is correct.</p> <p>18 Q. Okay. I am going to come back to</p> <p>19 that.</p> <p>20 But I want to start by asking</p> <p>21 whether you're aware that between the fall of</p> <p>22 2019 through 2021 the Department of Justice</p> <p>23 conducted an investigation into Google's ad</p> <p>24 tech business. Are you aware of that?</p> <p>25 A. I am aware.</p>	<p style="text-align: right;">Page 16</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 on relevancy grounds, if we are getting</p> <p>3 outside of this case I don't know if</p> <p>4 there are or there are not, but if there</p> <p>5 were meetings about other</p> <p>6 investigations, I would to object that.</p> <p>7 Go ahead.</p> <p>8 Q. How many times have you met with</p> <p>9 the Department of Justice?</p> <p>10 A. I do not know the specific number</p> <p>11 off the top of my head.</p> <p>12 Q. Is it more than once?</p> <p>13 MR. BLAISDELL: Object to the form</p> <p>14 of the question.</p> <p>15 A. Possibly.</p> <p>16 Q. You can't remember if it was more</p> <p>17 than one time?</p> <p>18 MR. BLAISDELL: Object to the form</p> <p>19 of the question.</p> <p>20 A. No.</p> <p>21 Q. And the one time you met with the</p> <p>22 Department of Justice that you can remember,</p> <p>23 what did you talk about?</p> <p>24 MR. BLAISDELL: Object to the form</p> <p>25 of the question.</p>
<p style="text-align: right;">Page 15</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 Q. Did you meet with the Department of</p> <p>3 Justice at any point between 2019 and 2021?</p> <p>4 MR. BLAISDELL: Object to the form</p> <p>5 of the question.</p> <p>6 A. I do not recall.</p> <p>7 Q. You don't recall whether you met</p> <p>8 with the Department of Justice in that</p> <p>9 two-year period or you don't recall if you've</p> <p>10 met with the Department of Justice ever?</p> <p>11 MR. BLAISDELL: Object to the form</p> <p>12 of the question.</p> <p>13 A. I do not recall meeting with the</p> <p>14 Department of Justice about that specific</p> <p>15 topic or investigation.</p> <p>16 Q. Did you meet with the Department of</p> <p>17 Justice to talk about ad tech at any point?</p> <p>18 MR. BLAISDELL: Object to the form</p> <p>19 of the question.</p> <p>20 A. I do not recall.</p> <p>21 Q. How many times have you met with</p> <p>22 the Department of Justice?</p> <p>23 MR. BLAISDELL: Object to form of</p> <p>24 the question.</p> <p>25 MR. VERNON: I just want to object</p>	<p style="text-align: right;">Page 17</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 MR. VERNON: Objection on</p> <p>3 relevance. If we are going you outside</p> <p>4 of the scope of this case, but go ahead.</p> <p>5 A. It was an unrelated case around</p> <p>6 domain spoofing.</p> <p>7 Q. Have you ever talked to the</p> <p>8 Department of Justice about Google?</p> <p>9 MR. BLAISDELL: Object to the form</p> <p>10 of the question.</p> <p>11 A. Not that I'm aware of.</p> <p>12 Q. Have you ever talked to the</p> <p>13 Department of Justice about ad tech tools?</p> <p>14 MR. BLAISDELL: Object to the form</p> <p>15 of the question.</p> <p>16 A. During the conversation, ad tech</p> <p>17 tools would have come up based on the topic.</p> <p>18 Q. How did ad tech tools come up in a</p> <p>19 discussion about spoofing?</p> <p>20 MR. BLAISDELL: Object to the form</p> <p>21 of the question.</p> <p>22 A. Ad tech tools would have come up</p> <p>23 based on the publishers' knowledge, The New</p> <p>24 York Times' knowledge about how ad spoofing</p> <p>25 takes place.</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 170</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 Google's DSP?</p> <p>3 MR. BLAISDELL: Object to form.</p> <p>4 A. We have a limited understanding of</p> <p>5 the uniqueness from the DSP side. We also</p> <p>6 understand that many advertisers and agencies</p> <p>7 use a multitude of different DSPs</p> <p>8 interchangeably for different KPIs, different</p> <p>9 campaigns, on many different brands within</p> <p>10 the advertiser, so it is hard to say how</p> <p>11 unique that demand from the DSP specifically</p> <p>12 that Google operates would be incremental</p> <p>13 revenue to us.</p> <p>14 Q. Do you know one way or the other</p> <p>15 whether the demand from Google's DSP is</p> <p>16 unique?</p> <p>17 MR. BLAISDELL: Object to form.</p> <p>18 A. Sorry. Can you please clarify?</p> <p>19 Q. Sure.</p> <p>20 Do you know whether -- how about</p> <p>21 this: What is your best, best estimate,</p> <p>22 using your experience in the industry, as to</p> <p>23 whether the demand that comes from Google's</p> <p>24 DSP is either unique or not unique?</p> <p>25 MS. MORGAN: Objection to form.</p>	<p style="text-align: right;">Page 172</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 Q. Focusing on open auction</p> <p>3 specifically, what is your best estimate for</p> <p>4 whether Google's DSP either does or does not</p> <p>5 provide unique demand for The New York Times?</p> <p>6 MR. BLAISDELL: Object to form.</p> <p>7 A. I'm going to ask you to clarify</p> <p>8 again. I'm trying to understand what you're</p> <p>9 looking for as the best guess.</p> <p>10 Q. Just qualitatively whether your</p> <p>11 best estimate, based on your experience in</p> <p>12 the industry, is either that Google's DSP</p> <p>13 does provide unique revenue for The New York</p> <p>14 Times or it does not?</p> <p>15 A. As a percentage, unique revenue, I</p> <p>16 unfortunately do not have a best guess on</p> <p>17 how, what percentage of our revenue coming</p> <p>18 from Google auction, Google AdX open auction</p> <p>19 is unique. I think that is a very difficult</p> <p>20 question to answer for The New York Times and</p> <p>21 any publisher as we do not have that</p> <p>22 visibility.</p> <p>23 Q. So stepping aside from the question</p> <p>24 of a specific percentage, what's your best</p> <p>25 estimate for, based on your experience in the</p>
<p style="text-align: right;">Page 171</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 MR. BLAISDELL: Object to form.</p> <p>3 A. May I ask a question? I have to</p> <p>4 clarify.</p> <p>5 Q. Yeah, go ahead.</p> <p>6 A. Are you looking for a figure?</p> <p>7 Q. No, no, no. Just qualitative. So.</p> <p>8 Let me just -- I'll ask the question again,</p> <p>9 just so the record is clear.</p> <p>10 What is your best understanding,</p> <p>11 based on your years of experience in the</p> <p>12 industry, as to whether the Google's DSP</p> <p>13 either does or does not bring unique demand</p> <p>14 to The New York Times?</p> <p>15 MS. MORGAN: Objection to form.</p> <p>16 MR. BLAISDELL: Object to form.</p> <p>17 A. Based on my understanding of your</p> <p>18 question, for The New York Times</p> <p>19 specifically, I believe that the best guess</p> <p>20 for unique demand coming through Google's DSP</p> <p>21 would be less on the open auction side for</p> <p>22 the DSP and more on the programmatic</p> <p>23 guaranteed side, as Google was a pioneer in</p> <p>24 programmatic guarantee at an earlier stage in</p> <p>25 programmatic guaranteed lifespan.</p>	<p style="text-align: right;">Page 173</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 industry, whether the Google DSP either does</p> <p>3 or does not provide unique demand to The New</p> <p>4 York Times for open auction specifically?</p> <p>5 MS. MORGAN: Object to form.</p> <p>6 A. For -- I'm sorry. I'm still</p> <p>7 struggling with the question. I am going to</p> <p>8 have to ask you again.</p> <p>9 Q. Sure.</p> <p>10 So I don't want to ask about a</p> <p>11 specific percentage.</p> <p>12 A. Okay.</p> <p>13 Q. What I do want to ask about is just</p> <p>14 your best estimate, again based on your</p> <p>15 experience, for whether Google's DSP either</p> <p>16 does provide unique revenue to New York Times</p> <p>17 for open auction specifically or it does not?</p> <p>18 MS. MORGAN: Objection to form.</p> <p>19 MR. BLAISDELL: Object to form.</p> <p>20 A. From my personal capacity and my</p> <p>21 experience that you called out, I do believe</p> <p>22 that Google AdX does provide unique demand.</p> <p>23 Q. Let me ask a slightly different</p> <p>24 question. I think you answered about AdX.</p> <p>25 Do you remember that?</p>

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1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 Focusing on Google's DSP, what's

3 your best sense for whether Google's DSP

4 either does or does not provide unique demand

5 to The New York Times for open auction

6 specifically?

7 MS. MORGAN: Objection to form.

8 A. My best guess for The New York

9 Times specifically that AdX does provide

10 unique demand for open auction.

11 Q. But I think you referred to AdX

12 again and I'm just trying to ask about the

13 DSP. Does that make sense?

14 A. All right, yes.

15 Q. Let me just ask my question, so

16 it's clearer.

17 What's your best estimate, based on

18 your experience, for whether Google's DSP

19 either does or does not provide unique demand

20 for open auction specifically for The New

21 York Times?

22 A. My best guess is that Google's DSP

23 has unique demand and transacts on The New

24 York Times.

25 Q. Sorry. It took me a while to get

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1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 there.

3 What is your best estimate based on

4 your experience for whether Google's display

5 network provides unique demand for open

6 auction displays, specifically for The New

7 York Times?

8 MS. MORGAN: Objection to form.

9 MR. BLAISDELL: Objection to form.

10 A. My best guess is that Google's

11 display network does provide unique demand to

12 The New York Times.

13 Q. And why?

14 MR. BLAISDELL: Objection to form.

15 A. From my understanding, the demand

16 from Google's ad network -- sorry, I'm

17 forgetting the appropriate, exact name --

18 provides unique demand that is not available

19 to either SSPs from our understanding and is

20 only accessible through AdX.

21 Q. Can you explain, at whatever level

22 of generality you're comfortable with, how

23 important the unique demand that comes from

24 Google's display network is for The New York

25 Times?

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1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MS. MORGAN: Objection to form.

3 MR. BLAISDELL: Object to form.

4 A. In general we are actively seeking

5 out unique demand across all of our

6 programmatic providers or SSP providers, and

7 that uniqueness in each of those providers is

8 very important, and the primary, one of the

9 reasons, one of the primary reasons of many

10 reasons why we would work with them. And

11 specifically to your point, Google would be

12 one of those providers that we would, we

13 would consider that.

14 Q. Is it fair to say that the Google

15 display network has the largest source of

16 unique demand for programmatic display for

17 The New York Times specifically?

18 MS. MORGAN: Objection to form,

19 lacks foundation.

20 MR. BLAISDELL: Object to form.

21 A. Can you clarify the question?

22 Q. Sure.

23 What's your understanding of what

24 the largest source of unique demand is for

25 programmatic display revenue specifically?

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1 GLOGOVSKY - HIGHLY CONFIDENTIAL

2 MR. BLAISDELL: Object to form.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED].

10 Q. In your last answer, did you mean

11 to say that Google has the largest share of

12 unique demand for programmatic display for

13 The New York Times?

14 MS. MORGAN: Objection to form.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. Understood.

23 Let me switch topics politely.

24 What is AdX -- Google AdX' take

25 rate for open auction display for The New

<p style="text-align: right;">Page 282</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 because of the connections between DFP and</p> <p>3 AdX?</p> <p>4 MS. MORGAN: Objection to form,</p> <p>5 lacks foundation.</p> <p>6 MR. BLAISDELL: Object to form.</p> <p>7 A. I believe it's difficult to answer,</p> <p>8 because there are unique propositions by most</p> <p>9 ad tech companies whether it be SSPs or ad</p> <p>10 servers that are competing with one another,</p> <p>11 and my spec -- my opinion would be purely</p> <p>12 speculation, whether it was hard or not.</p> <p>13 Q. Can you identify a strong</p> <p>14 competitor for Google as a publisher ad</p> <p>15 server today?</p> <p>16 MS. MORGAN: Objection to form.</p> <p>17 A. For The New York Times we have not</p> <p>18 recently RFI'd solutions for ad serving and</p> <p>19 we have not taken the actions to identify a</p> <p>20 potential replacement to Google Ad Manager.</p> <p>21 Q. Do you know whether there is a lot</p> <p>22 of competition for Google as a publisher ad</p> <p>23 server today for display?</p> <p>24 MR. BLAISDELL: Object to form.</p> <p>25 MS. MORGAN: Objection to form.</p>	<p style="text-align: right;">Page 284</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 in this hypothetical scenario.</p> <p>3 Q. So it's fair to say that it could</p> <p>4 be potentially beneficial for publishers to</p> <p>5 have the option to use DFP without using AdX;</p> <p>6 is that correct?</p> <p>7 MS. MORGAN: Objection to form.</p> <p>8 MR. BLAISDELL: Object to form.</p> <p>9 A. If it was exclusively focused on</p> <p>10 programmatic open auction revenue that would</p> <p>11 be potentially a benefit in this hypothetical</p> <p>12 scenario. However, there are other</p> <p>13 considerations publishers would need to</p> <p>14 consider and ensure that they have taken on</p> <p>15 the understanding of the operational burden</p> <p>16 and tax that it would require the</p> <p>17 infrastructure, the capital intensity in</p> <p>18 both in costs and in also how it would impact</p> <p>19 their other lines of business.</p> <p>20 So it's not purely just an open</p> <p>21 auction answer.</p> <p>22 Q. Is it fair to say that it could be</p> <p>23 good for competition in the publisher ad</p> <p>24 server business if AdX were available</p> <p>25 separately from DFP?</p>
<p style="text-align: right;">Page 283</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 A. It depends on what Google perceives</p> <p>3 as competition for both ad serving and</p> <p>4 monetization, and I would not be in the</p> <p>5 position to say whether or not there is high</p> <p>6 level of competition that Google perceives or</p> <p>7 not.</p> <p>8 Q. Could you at least understand why</p> <p>9 it might be hard to compete with Google in</p> <p>10 the publisher ad server business because of</p> <p>11 the connections between DFP and AdX?</p> <p>12 MS. MORGAN: Objection to form.</p> <p>13 MR. BLAISDELL: Object to form.</p> <p>14 A. I can reasonably understand that as</p> <p>15 a reason that others may point to.</p> <p>16 Q. Is it fair to say that it could be</p> <p>17 better for competition if AdX were available</p> <p>18 separately from DFP?</p> <p>19 MS. MORGAN: Objection to form.</p> <p>20 MR. BLAISDELL: Object to the form.</p> <p>21 A. In this hypothetical scenario,</p> <p>22 assuming that there were available</p> <p>23 competitors of potential -- or of the</p> <p>24 necessary size to compete and fill the vacant</p> <p>25 inventory, it would be potentially beneficial</p>	<p style="text-align: right;">Page 285</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 MS. MORGAN: Objection to form.</p> <p>3 A. In this hypothetical scenario, with</p> <p>4 the appropriate competitors, of the size, to</p> <p>5 fill this space that is being left behind in</p> <p>6 this decision, it could be potentially</p> <p>7 beneficial. However, there are other factors</p> <p>8 that publishers would need to consider in</p> <p>9 that switch or change in their strategy.</p> <p>10 Q. Why do you say that it could</p> <p>11 potentially be beneficial for competition for</p> <p>12 AdX to be available separately from DFP?</p> <p>13 A. It's not a certainty that</p> <p>14 competition will meet the current level of</p> <p>15 competition, and because of that, I cannot</p> <p>16 unequivocally confirm that it would be a</p> <p>17 benefit or not.</p> <p>18 Q. Setting aside whether it's a</p> <p>19 certainty, why do you say that it could be</p> <p>20 better for competition if AdX were separately</p> <p>21 available from DFP?</p> <p>22 A. Theoretically there could be more</p> <p>23 players in the space, which could potentially</p> <p>24 drive up CPMs and benefit publishers</p> <p>25 ultimately to make more revenue.</p>

<p style="text-align: right;">Page 298</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 will reserve the rest of my time to use</p> <p>3 then.</p> <p>4 MR. VERNON: Thank you</p> <p>5 Mr. Glogovsky, to Demetri and the court</p> <p>6 reporter, Google's counsel and</p> <p>7 everybody. Definitely appreciate it.</p> <p>8 It's been a long day and we thank you</p> <p>9 for your time.</p> <p>10 MS. MORGAN: I second that. Thank</p> <p>11 you. I know it's painful to sit for a</p> <p>12 deposition, especially on a summer</p> <p>13 Friday, and we really appreciate the</p> <p>14 time.</p> <p>15 MR. BLAISDELL: Sorry. Just before</p> <p>16 we go off the record, I will also note</p> <p>17 that The Times also objects to</p> <p>18 Ms. Morgan's attempt to reserve time for</p> <p>19 some subsequent deposition. We've made</p> <p>20 the witness available now for the time</p> <p>21 that the parties were permitted to</p> <p>22 examine him, and it's our position that</p> <p>23 there will be no further deposition for</p> <p>24 no further questioning by either party</p> <p>25 to this case.</p>	<p style="text-align: right;">Page 300</p> <p>1</p> <p>2 STATE OF _____)</p> <p>3) :ss</p> <p>4 COUNTY OF _____)</p> <p>5</p> <p>6</p> <p>7 I, JAMES GLOGOVSKY, the witness</p> <p>8 herein, having read the foregoing</p> <p>9 testimony of the pages of this</p> <p>10 deposition, do hereby certify it to be a</p> <p>11 true and correct transcript, subject to</p> <p>12 the corrections, if any, shown on the</p> <p>13 attached page.</p> <p>14</p> <p>15 _____</p> <p>16 JAMES GLOGOVSKY</p> <p>17</p> <p>18 Sworn and subscribed to before</p> <p>19 me, this _____ day of</p> <p>20 _____, 2023.</p> <p>21 _____</p> <p>22 Notary Public</p> <p>23</p> <p>24</p> <p>25 Job No. CS6072653</p>
<p style="text-align: right;">Page 299</p> <p>1 GLOGOVSKY - HIGHLY CONFIDENTIAL</p> <p>2 THE VIDEOGRAPHER: Okay to close</p> <p>3 the record?</p> <p>4 MS. MORGAN: Yes, we can close it.</p> <p>5 THE VIDEOGRAPHER: Standby. This</p> <p>6 concludes today's deposition given by</p> <p>7 James Glogovsky. The number of media</p> <p>8 units used is six and will be retained</p> <p>9 by Veritext Legal Solutions. We are</p> <p>10 going off the record at 5:26 p.m.,</p> <p>11 Eastern Daylight Time. Thank you,</p> <p>12 everybody. Have a great weekend. Nice</p> <p>13 working with you.</p> <p>14 (Time noted: 5:26 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 301</p> <p>1</p> <p>2 C E R T I F I C A T E</p> <p>3 STATE OF NEW JERSEY)</p> <p>4 : ss.</p> <p>5 COUNTY OF MIDDLESEX)</p> <p>6 I, Jennifer Ocampo-Guzman, a</p> <p>7 Certified Realtime Shorthand Reporter and</p> <p>8 Notary Public within and for the State of New</p> <p>9 Jersey, do hereby certify:</p> <p>10 That JAMES GLOGOVSKY, the witness</p> <p>11 whose deposition is hereinbefore set forth,</p> <p>12 was duly sworn, via remote/oral/web</p> <p>13 videoconference, and that such deposition is</p> <p>14 a true record of the testimony given by the</p> <p>15 witness.</p> <p>16 I further certify that I am not</p> <p>17 related to any of the parties to this action</p> <p>18 by blood or marriage, and that I am in no</p> <p>19 way interested in the outcome of this</p> <p>20 matter.</p> <p>21 IN WITNESS WHEREOF, I have</p> <p>22 hereunto set my hand this 27th day of August</p> <p>23 2023.</p> <p>24</p> <p>25 <i>J. Ocampo-Guzman</i> JENNIFER OCAMPO-GUZMAN, CRR, CLR</p>

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